



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

July 19, 1999

Discussion of 1999-2000 Planning Board goals and objectives

Discussion of "informal conceptual plan" for subdivision of land located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lots 7, 21, 22 & 23 [Request of William Costello]

Discussion of "informal conceptual plan" for Conservation Cluster at Hart Farm Estates (off Curve Street), Map 28, Parcels 6, 7A, 11 and 12 (Preliminary Subdivision Plan approved 6/14/99) [Request of Paul and Helen Hart]

Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99)

Discussion of proposed revision of Subdivision Rules and Regulations pertaining to fire cisterns (Request of Fire Chief)

Discussion of proposed consultant review of Subdivision Rules and Regulations pertaining to drainage design standards (Request of Planning Board)

Notice of receipt of application for Conservation Cluster and Common Driveway special permits for High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant, and assignment to review engineer

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (a portion of this discussion was held in executive session)

Notice of dismissal of litigation re: William Costello Realty Trust v. Planning Board (Pine Meadow subdivision)

Chair Tice called the meeting to order at 7:35 p.m. Members Abend, Epstein, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter Anne Marie Brako.

Discussion of 1999-2000 Planning Board goals and objectives

Tice presented a list of Goals and Objectives he had compiled. He also noted that in the past two years the Board has accomplished a number of goals including: 1) providing the staff with computers and e-mail, 2) preparing a permitting guide, 3) conducting a salary survey, 4) conducting a fee comparison, 5) institutionalizing the conceptual plan process, 6) implementing a budget spread sheet, 7) revision of the subdivision rules and regulations, 8) strengthening Board liaisons and 9) review of engineering consultants.

Reid explained her concept of an educational bus tour. She said that she thought it would be a good way of introducing other Boards and Town officials to various planning issues and developments in Carlisle. Specifically, she had conceived of this idea as a means of promoting the need for the Open Space Neighborhood Bylaw. Abend felt that this was a good idea, but that the tour should have a specific focus or it would become too lengthy.

Reid also noted that she had attended the All-Boards meeting and that the Selectmen requested a review of the SROSC Special Permit Bylaw and Regulations. They felt that this development option has not been used enough and perhaps it should be made more appealing to developers.

Abend thought that it might be possible to present the Open Space Neighborhood Bylaw again at Fall Town Meeting. He suggested that the bylaw itself does not need revision, but that the Board should make greater efforts to talk to key people. Hara thought it might be best to wait until Spring Town Meeting.

Reid felt that the PB should make a high priority of obtaining site plan review authority for municipal projects. She explained that the issue of the poor design of the new Town Hall was discussed at the All-Boards meeting, specifically the traffic congestion on election day. The Selectmen mentioned that changes are being considered to alleviate this problem, but again the PB was not asked for its input.

Discussion of "informal conceptual plan" for subdivision of land located at 314 East Riding Drive, Map 23, Lot 1, Map 22, Lot 75 & Map 13, Lots 7, 21, 22 & 23 [Request of William Costello]

William Costello was present along with co-applicant Brian Anderson and their engineer Joe March of Stamski and McNary. March presented a plan showing the property owned by the applicants along with the 2.43-acre Town owned parcel. The Town owned parcel (X1) would be combined with a parcel donated by the applicant (X2) to create a 4-acre porkchop lot. The applicant would also donate Parcel X3 to create access to this Town owned lot. The new subdivision would consist of ten lots including the Town owned lot and the roadway length would total 1100 ft.

March requested a reduction of the cul-de-sac diameter to 130 ft. and a reduction of the right-of-way width to 40 ft. A fire cistern would be located near Lot 1. March also suggested the use of Cape Cod berm. He explained that it is easier to maintain than granite curbing and generally holds up well to snow plows. Mansfield asked if this type of berm performs well for drainage purposes. March said that it does. Reid suggested studying the use of Cape Cod berm when reviewing drainage issues for the Rules and Regulations. Hara asked if the curbing at the roundings should be more durable. March explained that some Towns require granite for the roundings. He suggested that sloped granite would blend well with the Cape Cod berm. Abend noted that granite curbing at the roundings would be easier to see at night.

Costello then asked if the Board had reviewed his letter dated 7/3/99 regarding this development and negotiations for access to the Town owned parcel. Tice noted that some requests made in the letter were within the Planning Board's jurisdiction, but others require input and review from other Town boards. Abend noted that the Board must first determine if the lot is buildable and if it will perc.

Costello suggested that the Town assign a non-profit organization to take title to parcels X1, X2 and X3. This group would be responsible for the marketing and sale of the lot. The proceeds could then be used to purchase land or even existing homes for use as affordable housing.

Abend asked if there were deed restrictions to the number of units. Costello stated that the access road would be restricted to serving a limited number of units in the development. Abend felt that the existing home owned by Costello at 314 East Riding Drive should obtain its access off the new cul-de-sac road.

Epstein noted that the Town does not have free cash and that the financial details would require further review. Epstein also noted that the Board needs Town Counsel advice to determine if it has authority to release Lots 1 & 2 in the Pine Meadow Subdivision in connection with negotiations for this subdivision. Reid said she felt uncomfortable linking these two developments in this way. Mansfield also noted that the issue of the Pine Meadow lot release was not listed on the agenda and therefore should not be discussed at length without proper public notice.

Marty Galligan noted that Carlisle has a shortage of affordable housing. He stated that while money is needed to build such housing, land and location is at least as valuable if not more so because there is little buildable land remaining in Town. His preference was to use this Town owned parcel for actual construction of affordable units.

Costello noted that his co-applicant, Brian Anderson would not cooperate if such a plan were required. Anderson is interested in minimizing the density of development on this parcel.

Several Board members stated that they are not concerned about the waivers requested, but they felt that the details of this negotiation would require review by other Town boards and Town Counsel. Costello expressed concern over a lengthy process with the Town. Epstein suggested that the PB should call a joint meeting with all appropriate boards. Abend advised Costello to attend the Municipal Land Committee meeting on the following Monday. He noted that this committee has representatives from all appropriate boards.

Mansfield suggested that Town Counsel opinion should be obtained to determine if 1) the Board is required to conduct a public hearing in order to release the lots in Pine Meadow and 2) if the Board can tie these lot releases to the East Riding project.

Epstein advised Abend to contact him if the MLC is favorable toward this proposal. If this is the case, then Epstein will contact Town Counsel and direct the PA on how to proceed.

Discussion of "informal conceptual plan" for Conservation Cluster at Hart Farm Estates (off Curve Street), Map 28, Parcels 6, 7A, 11 and 12 (Preliminary Subdivision Plan approved 6/14/99) [Request of Paul and Helen Hart]

The applicant Paul Hart was present with his attorney Joseph Shanahan and engineer Joseph March of Stamski and McNary. Shanahan stated that this Conservation Cluster plan shows a total of 12 lots. The applicant still intended to donate the 60-acre Parcel X in addition to 13.3 acres of open space created by cluster development.

March explained that a 1050-ft. subdivision road would be created to access one lot and Parcel X. An ANR plan would then create 11 lots with a 12th lot allowed under a Conservation Cluster special permit. He noted that the 40-ft. strip to access Parcel X would be part of the open space. He also noted that on the demonstration ANR plan, one lot's access would cross a wetland. Mansfield stated that this is not a problem unless the wetland is at the property's threshold access.

The Board felt that the subdivision road should be built to subdivision standards to allow public access, although they would consider a reduction to an 18-ft. width. They recommended obtaining approval from the fire chief before proceeding with a reduced pavement width.

March stated that the common driveway would be approximately 800 ft. long. The end of the common driveway is approximately 1500 ft. from the subdivision access off Curve Street. March also noted that fire ponds are proposed in the cul-de-sacs. Then he explained that the roadways would be built up approximately 4 ft. with swales along the roadway and catch basins located every 300-ft. The houses will be built near the front of the properties. Holzman asked if country drainage could be used. March said that a country drainage system is proposed for the common driveway portion of the development. This will reduce the roadway to 2 ft. above grade. March noted that the subdivision regulations require substantial fill over drainage pipes. He suggested that allowing less cover over the pipes in exchange for a stronger pipe would reduce the roadway grade by approximately 2 ft. The Board suggested that he look into this option or a country drainage system. The Board also asked the secretary to note this suggestion in the Rules and Regulations file.

The Board asked for minimal tree removal and Hart agreed that this is his preference as well. The Board asked for no sidewalks although Abend suggested adding a section of sidewalk approximately 40 ft. in length along the new street to be used as a waiting area for pick-up and drop-off of school children.

Epstein asked about the width of the buffer zone. March stated that it is generally 20 ft. wide although in one area it is only 10 ft. wide. Epstein requested a 20-ft., no-build zone in this area to give some screening to the abutters.

Minutes of June 28, 1999

Epstein moved to approve the minutes of 6/28/99 as drafted. Lane seconded the motion and it carried 5-0-2 with Abend and Tice abstaining.

Review of draft covenant and easements for Wilkins Lane Definitive Subdivision Plan (approved 6/14/99)

Epstein requested an opinion from Town Counsel regarding item b) in the second paragraph on page 2. This item refers to retaining lots to ensure completion of all remaining construction. He asked if this item gives the PB sufficient control.

Hara requested Town Counsel opinion regarding trail easements. She asked for a review of the wording of such easements and for a recommendation on how these easements could be recorded and tracked for future use. She also suggested a clarification of permissible uses on the trails, i.e. pedestrians, horses, trail bikes. Mansfield suggested that a future agenda might include a joint meeting with the Trails Committee, the Conservation Commission and the Conservation Restriction Advisory Committee to discuss these issues. Epstein suggested that Town Counsel should understand that there is currently no set policy or form for trail easements.

Discussion of proposed revision of Subdivision Rules and Regulations pertaining to fire cisterns (Request of Fire Chief)

Epstein noted that the Subdivision Rules and Regulations refer to the fire chief's specifications for size and siting of fire cisterns. He suggested revising the fire chief's specifications rather than the Subdivision Rules and Regulations. The latter would require a public hearing while the former would not.

Discussion of proposed consultant review of Subdivision Rules and Regulations pertaining to drainage design standards (Request of Planning Board)

Abend moved and Reid seconded a motion to assign Judith Nitsch Engineering as a consultant to review the Subdivision Rules and Regulations pertaining to drainage design standards. The motion carried 7-0.

Notice of receipt of application for Conservation Cluster and Common Driveway special permits for High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant, and assignment to review engineer

The Board assigned Earth Tech as the review engineer for this application. Mansfield noted that the property is under Chapter 61A and the application could not be approved until the Town's right of first refusal has expired, however, the applicant may begin the application process.

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (a portion of this discussion was held in executive session)

Dick Wells of Berry Corner Lane was present for this discussion. Wells referred to a letter dated 6/28/99 from Howard Speicher, attorney for Valchuis, to Arthur L. Eno, attorney for the owners of Berry Corner Lane. Wells stated that the owners do not find that letter acceptable, specifically, they do not wish to see the construction of a drainage ditch and they are against the placement of hay bales for stabilization. Holzman pointed out that the hay bales are to be removed when construction is complete. Wells said that the owners wish Berry Corner Lane to remain as it is. He felt the Lane complies with 1968 Small Subdivision Regulations. Epstein read from the Small Subdivision Rules and Regulations that state that "the roadway must be suitably drained." Epstein noted that the lane currently has drainage problems and asked how the owners planned to address these problems. Wells said that the owners feel regrading and regravelling of the surface would be sufficient. Epstein said that if the owners can document that this would indeed improve the drainage situation, the PB could use this information.

Mansfield showed the most recent plan dated 7/1/99 and noted that the owners are not in favor of the proposed drainage ditch. They would, however, allow repair of the existing culvert. Mansfield also noted that the trial scheduled for July 9, 1999 was continued, with no date set.

Wells concluded by stating that the owners are concerned about the ditch damaging existing trees and they do not wish to have the extra house on their roadway.

At 10:20 p.m. Abend moved to go into executive session to discuss strategy with regard to pending litigation, noting that the Board would return to regular session in approximately 30 minutes. Holzman seconded, each member was polled and the Board unanimously approved the motion.

At 11:00 p.m. Holzman moved and Abend seconded a motion to return to regular session. The Board was polled and unanimously agreed.

Meeting Schedule

Mansfield noted that there was nothing on the agenda for the meeting tentatively scheduled for August 2nd. The Board agreed to cancel this meeting and hold its next regular meeting on August 16th. Epstein and Holzman noted that they would not be able to attend on the 16th. Today was also the last meeting for Reid until she returns at the end of January.

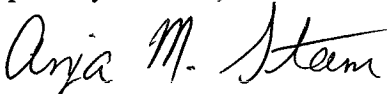
Budget Issues

Reid reported that at the All Boards meeting, several representatives of other boards expressed concern over the inequality of pay raises for Town staff. Reid suggested that the Personnel Board should set clear standards with job descriptions and pay scales. She noted that currently each Board is responsible for determining salaries for its staff and she felt that the Planning Board had acted properly in awarding the pay raises to its staff. Abend moved to ratify the pay raises as approved in the previous vote. Reid seconded and the Board approved the motion 7-0. Tice agreed to meet with the Personnel Board to resolve this issue.

Epstein then explained the situation regarding the Professional and Technical budget account. He noted that \$2507 in the '99 budget has been encumbered. Of this amount, \$1000 is earmarked for review of drainage issues in the Rules and Regs. Epstein further explained that the Town has a retainer arrangement with new Town Counsel Deutch Williams. All legal expenses are included in this retainer with the exception of tax advice, labor issues, real estate acquisition and litigation. The Planning Board is currently the only Board with a legal budget, while other Town boards obtain Town Counsel advice through the Selectmen. In speaking with FinCom, Epstein determined that the Planning Board no longer needs the Professional and Technical budget account. Epstein concluded by noting that \$4460 has been allocated to this account for FY2000. Tice suggested a review of how money from this account was spent in the past and what percentage was for legal expenses. The Board agreed to return the balance of the FY99 budget in this account (\$1500) to the Selectmen. Mansfield will work out the details with Town Accountant Sarah Andreassen.

At 11:20 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary